WAC 197-11-960 Environmental checklist.

Purpose of checklist: The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants: This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals: Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

Amendment to the Skagit River Instream Resources Protection Program, Chapter 173-503 WAC, to provide for future domestic, municipal, commercial/industrial, agricultural irrigation, and stock watering supply, and set forth future water right permitting conditions, and to close certain tributary basins when the reservations are fully allocated.

2. Name of applicant: Washington State Department of Ecology, Water Resources Program

3. Address and phone number of applicant and contact person:

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4. Date checklist prepared: 10/14/05

5. Agency requesting checklist: Washington State Department of Ecology

6. Proposed timing or schedule (including phasing, if applicable):

Expected rule adoption in April 2006, with rule effective 31 days later

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

There are potentially many actions that Ecology or others may take related to water management in the basin. Ecology will take actions necessary to implement the amended instream flow rule. These actions include water right permitting and administration of the reservations for agricultural uses, stock watering, and domestic, commercial/ industrial withdrawals. These requirements would apply to water availability determinations issued pursuant to RCW 19.27.097 and RCW 58.17.110.

Ecology has recently adopted an instream flow rule for the Stillaguamish River Basin and will be developing an instream flow rule in the Samish River sub-basin. These two independent river basins are adjacent to the Skagit River Basin. These instream flow rules are independent actions to establish minimum instream flows, reservations for future domestic ground water withdrawals and stock watering, and paths for future water right permitting. The hydrology, land use patterns, and services provided by stream flows differ in each river, as do the specific proposed instream flow requirements and water management provisions. Independent SEPA analysis has and will be done for each of these three stream flow rules.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

- *Determination of Nonsignificance and Supplemental Environmental Analysis: Instream Resource Protection Program – Lower and Upper Skagit Water Resource Inventory Areas (WRIA 3 and 4),* Department of Ecology, October 30, 2000. Describes the natural and built environment of the Skagit basin, discusses the instream flows and allocation limit established in chapter 173-503 WAC, and considers impacts of the flows and alternatives.

- While not prepared directly for this project, the Draft *Environmental Impact Statement for Watershed Planning Under Chapter 90.82 RCW* has information of a general nature related to instream flows, future water allocations, and closures. (DEIS dated March 2003, Shorelands and Environmental Assistance Program, Ecology Publication # 03-06-013).

- *Setting Instream Flows and Allocating Water for Future Out of Stream Uses*, September 2004, (Ecology). The purpose of this Agency guidance is to identify technical and rulemaking considerations for developing rules setting instream flows and allocating water for future domestic uses. The document provided guidance for developing closures to be adopted by rules and creating allowances for future out-of-stream water uses in conjunction with the already-established instream flows.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

In WRIA 3 and 4 there are currently 185 pending applications to the Department of Ecology for new water rights and 3 applications for changes. These applications may be affected by the future water right, closure, or reservation provisions of the proposed rule amendment.

Skagit County routinely receives building permit and subdivision applications that depend on new domestic supplies, many which are met by permit exempt ground water wells. The proposed reservation in the rule proposal will provide water that can meet domestic supply needs forecasted for Skagit County for at least 20 years and, depending on the water use per capita, would accommodate a doubling or tripling of existing population in many areas of the Skagit Basin (see Attachment 1).

10. List any government approvals or permits that will be needed for your proposal, if known.

Adoption of the rule amendment following the procedures specified for rule amendment in the state Administrative Procedures Act.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

The proposed rule amendment will modify the existing rule for the Skagit River Instream Resources Protection Program in several ways:

- Create a reservation of 10 cubic feet per second (cfs) from the upper, middle, and lower Skagit River sub-basins for new agricultural uses;
- Create a reservation of 15 cfs to provide for domestic, commercial, industrial, and stockwatering ground water withdrawals;
- Reservations created under this proposal are not subject to the instream flows.
- Protect water levels in lakes and ponds;
- Close tributaries to the Skagit River from additional consumptive water withdrawals once reservation quantities for those sub-basins are fully allocated; and
- Outline a framework for future water right permitting when water withdrawals are nonconsumptive, mitigated, or do not affect stream flows.

Specific reservation quantities and closed basins are listed in Attachment 1.

The amendment will not alter the existing rule's minimum instream flows or maximum allocation.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The location of the proposal is the Skagit River Basin, which includes all waters that drain to the Skagit River. The Skagit River originates on the Western slopes of the North Cascade Mountains, includes Ross Lake, and flows generally westerly to Skagit Bay in Puget Sound. The Skagit River has several large tributaries, including Lake Shannon, and the Sauk, Suiattle, Baker, and Cascade Rivers. The river basin includes parts of Skagit County, Snohomish County, and Whatcom County. The river basin includes the cities of Mount Vernon, Burlington, and Sedro Woolley. The Skagit River Basin is defined in Chapter 173-500 WAC as Water Resource Inventory Areas (WRIA) 3 and 4. The area subject to this rule does not include the Samish River which is an independent river system in WRIA 3 or islands such as Fidalgo Island. See attached maps.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other. . . . . .

The river basins ranges from level to gently undulating river bottom lands and tidelands near the mouth of the river to steep, mountainous valleys in the headwaters.

b. What is the steepest slope on the site (approximate percent slope)?

The watershed includes rugged mountains, cliffs, and river bottoms. Slopes range from flat to vertical.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

A wide variety of soils types are found in the Skagit River basin, including general soil types: Skagit-Sumas-Field and Larush-Pilchuck in the low lands and Barneston-Dystric Xerorthents-Indianola, Tokul-Skipopa-Dystric Xerorchrepts, Vanzandt-Montborne-Squires, Chuckanut-Cathcart, Bow-Coveland-Swinomish, Skykomish-Jug-Saxon, and Wollard-Kindy-Diobsud in the highlands and mountainous region. Agricultural soils and prime farmland include Bow gravely loam, Briscot fine sandy loam, Field silt loam, Giles and Giles variant silt loam, Mt Vernon very fine sandy loam, Minkler silt loam, Larush sandy and silt loam, Mukilteo valiant muck, Nargar loam, Samish silt loam, Sauk silt loam, Sedrowooley silt loam, Skagit silt loam, Snohomish silt loam, Sumas silt loam, and Tacoma silt loam.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Areas of the Skagit River Basin have indications or histories of unstable soils. A map showing soil erosion potential in the Skagit Basin is attached.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

None; does not apply.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No, does not apply.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

No impervious surfaces will result as a direct impact of this proposal. Some minor new impervious surfaces will result from rural development served by the water reservation in areas that public water is not available. This development may have occurred without the rule amendment or may have been redirected to areas where public water is available but is unlikely to vary significantly basin-wide with or without the rule amendment.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

The reservation for new agricultural uses will encourage agricultural development rather than urban type uses, helping maintain ground water recharge and a larger measure of non-impervious surfaces within the water basin.

Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

None; does not apply.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None; does not apply.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None; does not apply.

3. Water

a. Surface: Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Yes, the areas affected by the proposed rule amendment include seasonal and year-round streams and rivers, lakes, and ponds.

The major streams within the basin are the Skagit, Sauk, Suiattle, Baker, and Cascade Rivers, and Nookachamps, Grandy, Granite and Ruby Creeks.

Lakes in the WRIA include Lake Shannon, Lake McMurray, and Arrowhead, Azure, Baker, Barney, Bench, Berdeen, Big, Boulder, Byrne, Clear, Crater, Crystal, Cyclone, Devil's, Falls, Found, Goat, Grady, Granite, Helena, Hozomeen, Indigo, Itswoot, Jordon, Milk, Monogram, Moraine, Pear, Peek-a-boo, Ross, Round, Sixteen, Slide, Sourdough, Thornton, Twin, Whale, Woods Lakes

In addition, attached is a map showing the Skagit Basin Wetlands Inventory.

Ultimately most ground and surface waters drain to the Skagit River and Skagit Bay.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

The project does not directly require any work over, in, or adjacent to the surface waters. However, as part of a larger effort to monitor hydrology and manage water, stream flow monitoring gauges may be installed in the Skagit Basin. New stock watering uses of surface water will be encouraged to divert the water and return overflow to protect water quality.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

The proposed rule amendment will create reservations of water for agricultural irrigation, domestic, municipal, commercial/industrial and stock watering uses that could potentially divert from surface water. Surface water diversions would be limited to 10 cfs of consumptive use for agricultural irrigation purposes and 15 cfs of consumptive use for other uses. Surface water diversions are limited in the rule proposal to divert from only the mainstem Skagit River. All surface water users must obtain a water right from the Department of Ecology and would have to satisfy the statutory requirements for obtaining a water right. Ground water withdrawals may also have an affect on surface water where ground water is in continuity with surface water. The maximum average consumptive daily use allowed for ground water withdrawals in the Skagit system is listed in Attachment 1 for domestic, municipal, commercial/industrial and stock watering uses. Furthermore, the agriculture reservation could result in a quantity equivalent to 10 cfs of consumptive use for agricultural irrigation to be withdrawn for irrigation purposes.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Yes, in large part the proposed action overlaps with a 100-year floodplain. See attached Skagit Basin Flood Hazard Area map.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No, it does not. However, small depletions in stream flow resulting from use of the reservations may have the potential to cause small impacts to stream temperature. Carpenter, Fisher, Hansen, and Nookachamps creeks are listed as impaired water bodies for temperature under the Federal Clean Water Act and the temperature issues are being addressed under a Water Quality Clean-up Plan. The effects of a 2% reduction in a low (7Q10) flow are within the uncertainty of stream temperature modeling. Therefore it would be difficult to say what the impact on temperature would be, but it would be likely much less than 0.3 degrees C (personal communications: Ecology Water Quality Program, 12/23/04; Ecology Environmental Assessment Program, 1/3/05).

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

The proposed rule amendment will not directly withdraw ground water. However the rule will create a mechanism for future ground water withdrawals. The maximum average consumptive use of ground water for each subbasin of the reservation is contained in Attachment 1.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

No discharges will result as a direct impact of this non-project proposal. Indirectly, most rural development accessing the reservation for domestic or small commercial purposes is likely to use septic systems for waste water disposal (excluding the stockwatering and irrigation uses). The number of these systems that will result is difficult to quantify because of the potential and varying demand of mixed uses.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

The proposed rule amendment will not directly cause or increase run-off. Generally run-off in the basin comes from precipitation and snow melt. The basin receives an average of 33 inches of precipitation per year. The run-off from precipitation flows through all of the streams/rivers listed above as well as the smaller tributaries and finally to Skagit Bay in Puget Sound.

2) Could waste materials enter ground or surface waters? If so, generally describe.

Does not apply.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

None; does not apply.

4. Plants

All the plants typically found in a Puget Sound lowland basin are assumed to be present in the Skagit River Basin.

a. Check or circle types of vegetation found on the site:

X Deciduous tree: alder, maple, aspen, other
X Evergreen tree: fir, cedar, pine, other
X Shrubs
X Grass
X Pasture
X Crop or grain
X Wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
X Water plants: water lily, eelgrass, milfoil, other
X Other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

None; does not apply.

c. List threatened or endangered species known to be on or near the site.

These are the plant species of concern currently identified in Skagit and Snohomish Counties.

Agoseris elata	Tall agoseris	Sensitive
Bartramiopsis lescurii	A moss	Endangered
Botrychium pedunculosum	Stalked moonwort	Sensitive
Brotherella roellii	A moss	Threatened
Campanula lasiocarpa	Alaska harebell	Sensitive
Carex comosa	Bristly sedge	Sensitive
Carex magellanica ssp irrigua	Poor sedge	Sensitive
Carex pauciflora	Few-flowered sedge	Sensitive
Carex pluriflora	Several-flowered sedge	Sensitive
Carex praeceptorum	Teacher's sedge	Review
Carex proposita	Smoky mountain sedge	Threatened
Carex stylosa	Long-styled sedge	Sensitive
Carex stylosa	Long-styled sedge	Sensitive
Castilleja levisecta	Golden paintbrush	Endangered
Coptis aspleniifolia	Spleenwort-leaved goldthread	Sensitive
Dryas drummondii	Yellow mountain-avens	Sensitive
Erigeron salishii	Salish fleabane	Sensitive
Erythronium revolutum	Pink fawn-lily	Sensitive
Fritillaria camschatcensis	Black lily	Sensitive
Gaultheria hispidula	Creeping snowberry	Sensitive
Hierochloe odorata	Common northern sweet grass	Review
Hypericum majus	Canadian st. john's-wort	Sensitive
Impatiens aurella	Orange balsam	Review
Lobelia dortmanna	Water lobelia	Threatened
Loiseleuria procumbens	Alpine azalea	Threatened
Luzula arcuata	Curved woodrush	Sensitive
Lycopodium dendroideum	Treelike clubmoss	Sensitive
Montia diffusa	Branching montia	Sensitive
Platanthera chorisiana	Choris' bog-orchid	Threatened
Potamogeton obtusifolius	Blunt-leaved pondweed	Sensitive
Puccinellia nutkaensis	Alaska alkaligrass	Sensitive
Ranunculus californicus	California buttercup	Threatened
Ranunculus cooleyae	Cooley's buttercup	Sensitive

Salix sessilifolia	Soft-leaved willow	Sensitive
Saxifraga rivularis	Pygmy saxifrage	Sensitive
Utricularia intermedia	Flat-leaved bladderwort	Sensitive

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None.

5. Animals

All the birds, mammals, reptiles, and amphibians typically found in a Puget Sound lowland basin are assumed to be present in WRIA 5.

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk, heron, eagle, songbirds, other:	All
Mammals: deer, bear, elk, beaver, other:	All
Fish: bass, salmon, trout, herring, shellfish, other:	All

b. List any threatened or endangered species known to be on or near the site.

Puget Sound Chinook salmon and Bull Trout are present in the Skagit river system and are designated as threatened under the federal Endangered Species Act. A map is attached showing the Department of Fish and Wildlife's designated Priority Habitat and species Area within the Skagit Basin.

c. Is the site part of a migration route? If so, explain.

Chinook stocks inhabit or migrate through a significant portion of the Skagit River basin. See attached thumbnail maps called Skagit Basin Salmon Stocks. The watershed is also within the Pacific Flyway for migratory waterfowl.

d. Proposed measures to preserve or enhance wildlife, if any:

The current Skagit River instream flow rule contains regulatory instream flows for the purposes of protecting and preserving stream flows for fish and other purposes. The proposed rule amendment will provide a mechanism for a limited number of additional surface water diversions and ground water withdrawals. The proposed rule amendment also closes certain tributaries to additional consumptive appropriations once the associated reservation quantities are allocated.

Without the limited reservation and closures, the number of permit-exempt wells in closed basins might be greater in the long run. Permit-exempt wells may each use up to 5,000 gallons-per-day, and there would continue to be technical and political difficulties in curtailing domestic water use when instream flows are not met. This could result in greater impacts to stream flows than allowed under the proposed rule amendment which limits the amount of cumulative withdrawals from new permit-exempt wells.

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Does not apply.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No, the project does not affect the potential use of solar energy by property owners.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None.

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

No, there are none.

1) Describe special emergency services that might be required.

None.

2) Proposed measures to reduce or control environmental health hazards, if any.

None.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

None.

3) Proposed measures to reduce or control noise impacts, if any:

None.

8. Land and shoreline use

What is the current use of the site and adjacent properties?

Generally the Skagit River basin is a mix of agriculture production and urban areas in the lower valley, diffuse rural development in the mid-valley, and timber and recreational areas in the headwaters areas.

b. Has the site been used for agriculture? If so, describe.

Yes, the Skagit River basin contains a significant agricultural presence.

In 2002, Skagit County (which contains nearly all of the agricultural areas in the Skagit basin) agricultural products had a $217,384,000 market value. Chief crops (by acreage) are forage (pasture, hay, etc.), vegetables, potatoes, wheat, and corn. There are approximately 114,000 acres of agricultural land in Skagit County.

c. Describe any structures on the site.

Existing development in the river basin includes structures for residential, commercial, industrial, and agricultural uses.

d. Will any structures be demolished? If so, what?

No structures are expected to be demolished as a direct or indirect result of this rule proposal.

e. What is the current zoning classification of the site?

The basin has a variety of zoning designations. A copy of County zoning designations is attached.

f. What is the current comprehensive plan designation of the site?

Different parts of the basin are guided by comprehensive plans for Skagit, Whatcom, and Snohomish counties. Within those plans the designations vary. A copy of the county zoning designations is attached.

g. If applicable, what is the current shoreline master program designation of the site?

Shoreline master program designations vary across the basin. The proposed action will not affect Shoreline Master Program Designations.

h. Has any part of the site been classified as an "environmentally sensitive" or "critical" area? If so, specify.

Yes. Portions of the basin have been designated as environmentally sensitive areas by the counties. Several maps of designated sensitive areas in Whatcom, Skagit, and Snohomish counties are attached.

i. Approximately how many people would reside or work in the completed project?

This proposal does not directly propose any additional residences or businesses. The proposed reservations will make water available to a number of future residences, businesses, farms, as well as providing for stock watering needs. Attachment 1 contains a listing of how much population growth the reservations could supply, but if the reservation is used to serve commercial or industrial development, the number of people served could be reduced.

j. Approximately how many people would the completed project displace?

None; the rule amendment will not affect any existing water rights. As an indirect impact, some future development could be redirected away from sub-basins closed to further consumptive uses, once reservation quantities are fully allocated, to areas where water is available unless alternative water sources are identified.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None; does not apply.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposal is generally consistent with local land use policies. In urban areas and other areas served by public water, the proposal requires water users to request service from an existing public water system. For areas not served by public water systems, the proposed rule provides water to satisfy most projected domestic needs. Attachment 1 shows the population that could served by the reservation by region of the Skagit River Basin. In most cases the future demand is satisfied. In other areas, such as the Nookachamps, Fisher, and Carpenter Creek, public water supplies

from outside of the sub-basin will likely be required to meet maximum anticipated demand. The use of the reservation for other allowed uses would further decrease the number of residences that could be served. Over time, Skagit PUD or other public water systems should be able to provide service to most areas of the Nookachamps, Fisher, and Carpenter subbasins.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

No housing units will directly result from this proposal. The proposed reservation for domestic, municipal, commercial/industrial and stockwatering uses is estimated to make water available to a number of future residences and businesses. Attachment 1 contains a listing of the population that could be served under the reservation, although use of the reservation for other purposes will reduce the number of residences that could be served.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

c. Proposed measures to reduce or control housing impacts, if any:

None.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

No structures are proposed by the rule.

b. What views in the immediate vicinity would be altered or obstructed?

None.

c. Proposed measures to reduce or control aesthetic impacts, if any:

None.

11. Light and glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None. No additional light or glare will result as a direct impact of this non-project proposal.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No; does not apply.

c. What existing off-site sources of light or glare may affect your proposal?

None.

d. Proposed measures to reduce or control light and glare impacts, if any:

None; does not apply.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

The usual recreational opportunities afforded by most natural river systems are available in the Skagit Basin, including: fishing, camping, hiking, swimming, white water rafting, boating, canoeing, and viewing wildlife.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No. Use of the proposed reservations may have insignificant impacts on stream flows. The insignificantly altered stream flows are not expected to affect recreational opportunities.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

The existing minimum instream flows help protect recreational stream uses, in addition to helping to protect other environmental values. The proposed rule amendment will require several actions to minimize the impact of future out-of-stream uses such as conservation and use of public water when available. In addition the proposed rule closes tributaries to the Skagit River once sub-basin reservation quantities are fully allocated.

Without the limited reservation and closures, the development and use of permit-exempt wells may have continued unchecked. There would also be continued technical and political difficulties in interrupting these new withdrawals when instream flows are not met. This would result in greater impacts to stream flows than allowed under the proposed rule amendment which limits the amount of cumulative withdrawals from new permit-exempt wells.

13. Historic and cultural preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

The following historical sites are located within WRIA 3 or 4:
1. Beaver pass Shelter, 14 miles west of Ross Lake
2. Deer Lick Cabin, east of Ross Lake on Lightening Creek Trail, south of Three Fools Trail
3. Desolation Peak Lookout, on Desolation Peak east of Ross Lake, 6 miles south of the Canadian Border
4. International Boundary Marker, Along the US-Canadian border between the eastern boundary of Ross Lake NRA and the western boundary of North Cascades National Park
5. Perry Creek Shelter, on Little Beaver Trail, 5 miles west of Ross Lake
6. Sourdough Mountain Lookout, 5 miles northeast of Diablo
7. Gorge Creek Bridge, SR 20 over Gorge Creek
8. Austin Pass Warming Hut, southeast of Bagley Lakes, Mt Baker-Snoqualmie National Forest, Glacier
9. Devil's Corner Cliff Walk, north of Newhalem in Ross Lake National Recreation Area
10. Wild Goose Pass Tree, near Glacier, address restricted
11.Hozomeen Cabin, Hozomeen Lake, Lightening Creek trailhead on east side of Ross Lake
12. Koma Kulshan Ranger Station, Forest road 11, west of Baker Lake, Mt Baker-Snoqualmie National Forest
13. Diablo Hydroelectric Plant, off WA 20 at west end of Diablo Lake
14. Gorge Hydroelectric Power Plant, off WA 20 at west end of Gorge Lake

15. Skagit River and Newhalem Creek Hydroelectric Projects, at Newhalem on the Skagit River and at Ross Dam
16. Baker River Bridge, on WA 17a, over the Baker River
17 Marine Supply and Hardware Complex, 202 - 218 Commercial Avenue & 1009 Second Street, Anacortes
18. Burrows Island Light Station, Anacortes
19. Wilson Hotel, 804 Commercial Avenue, Anacortes
20. Backus-Marblemount Ranger Station House No. 1010, Ranger Station Road, 1 mile north of WA 20, Marblemount
21. Gilbert's Cabin, Cascade River Road, west of Gilbert Creek
22. Rock Cabin, Fisher Creek Trail South of Diablo Lake
23. Swamp—Meadow Cabin East, Thunder Creek Trail south of Diablo Lake
24. Swamp—Meadow Cabin West, Thunder Creek Trail south of Diablo Lake
25. Dalles Bridge, Concrete Sauk Valley Road, across the Skagit River
26. Rainbow Bridge, Pioneer Parkway over the Swinomish Channel
27. Sedro Woolley Main Post Office, 111 Woodworth St, Sedro-Woolley
28. Fraternal Order of Eagles Anacortes Aerie #249, 901 7th St, Anacortes
29. Burlington Carnegie Library, 901 Fairhaven Street, Burlington
30. Backus—Marblemount Ranger Station House No. 1009, Ranger Station Road, 1 mile North of WA 20 , Marblemount
31. Hidden Lake Peak Lookout, Mt Baker Ranger District, Southernmost Peak of Hidden Lake Peaks near North Cascades National Park Boundary, Marblemount
32. Locomotive #6, Seattle Skagit River Railway, State Highway 20, Concrete
33. Lower Baker River Hydroelectric Power Plant, Baker River at southern end of Shannon Lake, Concrete
34. Anacortes Public Library, 1305 8th Street, Anacortes
35. Skagit City School, 3.5 miles south of Mount Vernon on Moore Road, Mount Vernon
36. Sqwikwikwab, address restricted, La Conner
37. Causland Park, Eighth Street and M Avenue, Anacortes
38. Concrete Theatre, 128 Main Street, Concrete
39. Lincoln Theater and Commercial Block, 301-329 Kincaid Street & 710-740 First Street, Mount Vernon
40. Great Northern Depot, R Avenue and Seventh Street, Anacortes
41. Curtis Wharf, NW corner of the intersection of O Avenue and 2nd Street, Anacortes
42. California Fruit Store, 909 Third Street, Anacortes
43. Semar Block, 501 Q Avenue, Anacortes
44. Birdsey D. Minkler House, 201 South Main Street, Lyman
45. Bethsaida Swedish Evangelical Lutheran Church Parsonage, 1754 Chilberg Road, Pleasant Ridge, La Conner
46. John and Fred Slipper House, 584 Maple, Hamilton
47. W.T. Preston (snagboat), Anacortes waterfront, R Avenue, at foot of 7th Street, Anacortes
48. La Merced, Anacortes waterfront off Oakes Avenue, Anacortes
49. Grange Hall, corner of Second and Calhoun Street, La Conner
50. La Conner Historic District, roughly bounded by 2nd, Morris and Commercial Streets, and the Snohomish Channel, La Conner
51. Three Fingers Lookout, Darrington Ranger District on the southernmost peak, Darrington
52. Verlot Ranger Station—Public Service Center, Mt Baker—Snoqualmie National Forest
53. Darrington Ranger Station, 1405 Emmens Street, Darrington
54. Green Mountain Lookout, Darrington Ranger District
55. Miners Ridge Lookout, Darrington Ranger District in Glacier Peak Wilderness Area, 5 miles west of Pacific Crest Trail
56. Suiattle Guard Station, Mt Baker—Snoqualmie National Forest

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

None, other than those mentioned above.

c. Proposed measures to reduce or control impacts, if any:

None; no impacts to historic, archaeological, scientific, or culturally important sites will result from this rule amendment.

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

See the attached map of the State and County road systems.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Yes, portions of the Skagit basin are served by Skagit County public transit

c. How many parking spaces would the completed project have? How many would the project eliminate?

None, does not apply.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No, does not apply.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No, does not apply.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

On average, an Ecology compliance officer might make six vehicular trips per year as a result of the rule being adopted.

g. Proposed measures to reduce or control transportation impacts, if any:

None.

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

This rule amendment will require counties to consider the requirements of the reservation when reviewing water availability determinations for building permits or sub-division approvals.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None.

16. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

Most of these utilities are currently available in urban areas within the watershed. Rural areas are typically supplied with electricity and telephone service, but are generally dependent on individual or group wells and septic tanks.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

The project does not propose any direct utility service. The proposed rule amendment will require new developments to connect to public water when it is available at the time of permitting in a timely and reasonable manner, additionally tributary basins that are closed will require public utilities to support further growth that may occur unless existing water rights are able to meet these needs.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

_____

Signature: Jacque Klug

Date Submitted: _____

TO BE COMPLETED BY APPLICANT-- EVALUATION FOR AGENCY USE ONLY

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (do not use this sheet for project actions)

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed rule would not do any of these things. However, small depletions in stream flow resulting from use of the reservations may have the potential to cause small impacts to stream temperature. Carpenter, Fisher, Hansen, and Nookachamps creeks are listed as impaired water bodies for temperature under the Clean Water Act and the temperature issues are being addressed under a Water Quality Clean-up Plan.

Proposed measures to avoid or reduce such increases are:

Ecology is working with local governments and citizens to voluntarily increase riparian vegetation to reduce stream temperatures as part of the Water Quality Clean-up Plan. The proposed reservation for future withdrawals will require steps, such as conservation, to minimize any impacts. Water from the reservation can be accessed by a new user only if a public water supply is not available. Furthermore, the proposed rule closes certain tributaries to additional consumptive appropriations once reservation quantities for the sub-basin are fully allocated.

Without the limited reservation and closures, the number of permit-exempt wells in closed basins might be greater in the long run. There would continue to be little ability to ensure that these new water uses are interrupted when instream flows are not met. This could result in greater impacts to stream flow and, in turn, temperature than allowed under the proposed rule amendment which limits the amount of new cumulative withdrawals.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Use of the proposed reservations for surface and ground water withdrawals may have a small impact on stream flows as shown in attachment 1, which may in turn have occasional impacts to aquatic resources. Habitat Biologists at the departments of Ecology and Fish and Wildlife have determined that the full use of the reservation is not expected to impact the long-term sustainability of fish populations (*Skagit Rule Amendment Reservation*, Department of Ecology, January 25, 2005).

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

The existing minimum instream flows are set at levels sufficient to preserve and protect aquatic resources. The proposed reservation for future domestic ground water withdrawals will require steps, such as conservation, to minimize any impacts. Water from the reservation can be accessed by a new user only if a public water supply is not available. Furthermore, the proposed rule closes certain tributaries to additional consumptive appropriations once reservation quantities for the sub-basin are fully allocated.

Without the limited reservation and closures, the number of permit-exempt wells in many of these basins is likely to be greater in the long run. There also would continue to be little ability to ensure that these new water uses are interrupted when instream flows are not met. This is likely to result in greater impacts to stream flows than allowed under the proposed rule amendment which limits the amount of cumulative withdrawals from new permit-exempt wells

3. How would the proposal be likely to deplete energy or natural resources?

As discussed above, the proposal has a small effect on stream flows, but this is likely to be less than would occur without the amendment, particularly in some sub-basins.

Proposed measures to protect or conserve energy and natural resources are:

As discussed above, use of the reservation requires measures to minimize any impacts to stream flows. Where metering is not implemented, new water uses will be estimated by conservative estimates of daily water use to better protect surface and ground water sources.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

As discussed above, the proposed reservations may have a small effect on stream flows. That small potential effect is not anticipated to significantly adversely affect environmentally sensitive areas, etc. Nor is this impact believed to be greater than what would occur without this rule amendment.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal will provide legally secure water supplies for residential, , commercial/industrial growth in areas not served by public water, consistent with current land use plans. The proposed rule amendment also provides secure water supplies for agricultural irrigation and stockwatering, consistent with local zoning and land use plans.

Proposed measures to avoid or reduce shoreline and land use impacts are:

No such measures are proposed.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed requirement for the future development to connect to a public water supply when available in a timely and reasonable manner may increase demands on public water systems, but only to the extent the water systems have planned for, and are capable of, providing the water.

Proposed measures to reduce or respond to such demand(s) are:

None; does not apply.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal, to the best of the department’s knowledge, does not conflict with any local, state, or federal laws or requirements for the protection of the environment.

Attachment 1
Domestic/Municipal and Commercial/Industrial Water Demand Met by the Reservation

Subbasin Name*	**Reservation Size (in gallons per day)**	**Population Served****
Upper Skagit	1,938,816	14,513 -29,027
North Subbasins		
Hansen Creek*	38,130	
Coal Creek*	18,742	
Wiseman Creek*	18,095	
Tank/Childs Creeks*	18,096	
Jones Creek*	67,212	
Mansser Creek*	15,511	
Red Cabin Creek*	42,653	
Muddy Creek*	28,436	
Carey's Creek*	11,633	
Alder Creek*	81,430	
Grandy Creek*	147,350	
Total North Subbasins	487,288	3,648 - 7,295
Middle Skagit	1,394,655	10,440 - 20,880
South Subbasins		
Salmon/Stevens Creeks*	5,170	
Anderson/Parker/Sorenson*	20,034	
Gilligan Creek*	25,851	
Morgan Creek*	13,572	
Day Creek*	131,839	
Loretta Creek*	11,633	
Cumberland Creek*	25,851	
O'Toole Creek*	23,266	
Total South Subbasins	257,216	1,925 - 3,851
Lower Subbasins		
East Fork Nookachamps*	14,218	
Upper Nookachamps*	12,279	
Carpenter Creek*	6,463	
Fisher Creek*	5,170	
Total Lower Subbasins	38,130	285 -571
Lower Skagit	5,578,103	41,756 – 83,512
Total	**9,694,208**	76,567 – 145,136

*Denotes subbasin subject to closure

** Population served estimated by assuming 350 gallons per day per household and 175 gallons per day per household, respectively. Household size was estimated at 2.6 people per household.